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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,014	04/20/2004	Oleg Bondarenko	P5141C1	5979
24739 7590 12/26/2007 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076			EXAMINER JONES, PRENELL P	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 12/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,014

Applicant(s)

BONDARENKO ET AL.

Examiner

Prenell P. Jones

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 22-35 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. ***Patent No. 6,389,028***. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 22 of the present application merely broadens the scope of claim 2 of the Patent by eliminating the elements and their functions of the claims.

Comparing claim 22 of the present Application and claim 2 of the Patent, it is seen that both claims are directed to a EWT (estimated wait time) service that utilizes a facility to monitor and track status of user agents. Although the conflicting claims are not identical, they are not patentably distinct from each other because as discussed above pending claim 22 is directed to

the same invention and broader in scope using obvious broader languages; and in the absence of a terminal disclaimer would result in possible harassment by multiple assignees.

As for dependent claims 23-27, the limitations of pending claims 23-27 are encompassed in dependent claims 3-7 of the Patent.

In addition, although claims 29-35 are method claims associated with system claims 22-27, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement a protocol or method of the claimed invention for the purpose of performing the function/operations of the claimed system.

Claim 22 and 29 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 12 of U.S. **Patent No. 6,724,764**. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 22 and 29 of the present application merely broadens the scope of claim 12 of the Patent by eliminating the elements and their functions of the claims.

Comparing claim 22 and 29 of the present Application and claim 12 of the Patent, it is seen that both claims are directed to estimated wait time notification associated with service that utilizes a facility to monitor and track status of user agents, wherein a user interface is also utilized. Although the conflicting claims are not identical, they are not patentably distinct from each other because as discussed above pending claim 22 and 29 are directed to the same invention and broader in scope using obvious broader languages; and in the absence of a terminal disclaimer would result in possible harassment by multiple assignees.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 25 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 25 and 32, Applicant is claiming in lines 1 and 2, "**wherein selecting the call hyperlink placing the IPNT call also invokes the URL,**" which is not clear to Examiner as to exactly what Applicant is claiming. Examiner questions whether Applicant has left out additional words that may clarify Applicants claimed invention.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
2. Claims 22-24, 28-31 and 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Albert Coussement (US PG PUB 20020056000).

Regarding claim 22 and 29, Albert (US PG PUB 2002/0056000) discloses an interaction interface for communication center customers wherein status monitoring for the communication center and client/agent status is utilized, whereby the client uses the user interface (69) and (125) to access and alter communication center data (Abstract), a status server (monitoring facility) associated with user interface (125) (Fig. 2, 8 & 9, paragraph 0073, 0077, 0081, 0155, 0157) is provided within the communication center and utilized to monitor agent status, and an

estimated waiting time (EWT) is utilized for each queue of each agent (paragraph 0034, 0043, 0063, 0069, when monitoring facility is accessed through a user interface, the monitoring facility provides an agent status and an estimated wait time for contact with an agent), management applications include status alerts associated to client and or agent states (paragraph 0038, wait time notification).

Regarding claim 23 and 30, Albert further discloses that a user interface provides a form of Web pages (paragraph 0073, 0074, 0081, 0126, 0138 and 0147). Although Albert fails to disclose URLs in association with Web pages, Examiner would like to point out that it is inherent for URLs to provide access to Web pages.

Regarding claim 24 and 31, Albert further suggest in his interaction interface for communication center that call signaling maybe sent over IPNT (paragraph 0112), and clients/user interacting with interface (125) provides selective viewing, data entry and editing, wherein such interfaces are linked through hyper linking (paragraph 0033, 0034, 0038, 0165).

Regarding claim 26, 27, 33, 34, Albert further disclose user being able to select media type for communication with agent (0016, 0033, 0034, 0038, 0069, 0071, 0073, 0074, 0096, 0100, 0102, 0165, wherein user/client is able to select communication medium type, which includes instant messaging and e-mail).

Regarding claim 28 and 35, Albert further disclose interactive interface associated with monitoring status associated with agent wherein the agent and interaction data are displayed (Abstract, paragraph 0004, 0005, 0018, 0029, 0034, 0071, 0073-0075).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

December 19, 2007




WING CHAN 12/20/07
SUPERVISORY PATENT EXAMINER